P. F. 57796

G. R. S. IX-5]

Previous references.

1882-83.
~~192~~ .
(L. R.)

File No. 384 [illegible]

Serial Nos. 1 to 6.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6.

In ~~Part~~ B for March 1897.

SUBJECT.

Dispute regarding the Patel of Malkhera, Daroogaree - Taluka.

WD 2233 - GPS—20,000—14-6-20

Gaekwad

(11)

Petition No 15/7 of 1882-8
27

Appellant (Plff) - Ganda Hanimanya
of Malalkere, Davangere
Taluk

Respondent (Deft's) - Sidramanya
Patel of Malalkere

This is an appeal against
the judgment and decree of the
Deputy Commissioner of Chital
-droog in Revenue Appeal case
No 10 of 1881-82 on the file of the
Court regarding the Pateli of
Malalkere, Davangere Taluk

The Pateli Register of 184
contains the names of 1 Sama
Basanja 2 Neelamma and 3
Kenchanja as hakdars and
officiators to the Pateli of Malalk
In the Register of 1865-66 the nam
of 1 Nanjanja son of Sama Basan
2 Neelamma and 3 Kencha Hanm

relationship existing between
the deceased Neelamma & Sidramaiya;
some said that Sidramaiya had
no ~~to~~ manner of ~~obtaining~~
claim whatsoever to the office
in question and others added
that there was no connection between
Sidramaiya and Neelamma,
that they did not belonged
to different sects of Vokkaliga
families and that Neelamma
had an adopted son by name
Bistappa who did not want
the Paleti of Malalkere. The
1st witness for the Defendant
stated that he did not know
who were all the Paleis of Malalkere
and whether Sidramaiya was
a Lakdar or not, that he could
not assert that Sidramaiya
was a Billal Vokkaliga of
which Neelamma was one;
The 2nd witness by name Nagamma
Basaiya stated that his people
and Hanuma were looking after
the Paleti office, that Sidramaiya

3 Sidramanya (Deft) an alleged cousin of the above said hakdar Neelamma was appointed as Patel of Malalkere.

In January 1882 Petitioner Hanumanya, a younger brother of Kenchathanumanya, filed a suit before the Deputy Commr of Chitaldroog for the recovery of the Patelii from Sidramanya. The case was referred to the Amildar of Davangere for enquiry and report. In the enquiry that was held some of the witnesses for Plaintiff asserted on solemn affirmation that there were 2 hakdar families to the Patelii of Malalkere viz the Vokkaligar & Kurubar families that Kurubar Hanumappa (Petr) is the hakdar, that the Vokkaligar family had been extinct, that they did not know of any relation-ship

are entered as hakdars and officiators
Of these the first two belonged
to Vakkaligar caste and the latter
to the Kurubar caste. In the
Pateli Register of 1870 the
names of Nanjaiya and Kurubar San
Rama are entered as hakdars
and officiators and the name
of Neelamma is omitted. The
reason for this omission is not
accounted for. In 1871 Maha-
devappa son of Nanjaiya and
Hutchaiya son of San Rama were
registered as hakdars and the latter
was appointed to do the whole
of the duties during the former's minority.
Mahadevappa died shortly
afterwards and the office was left
in the Kurubar family. At the Hutchaiya becoming Ide Patel
Potigi Settlement in 1878-78
Hutchaiya got the Pateli
transferred to the name of
his son Ramaiya. In 1879
Ramaiya was convicted of criminal
breach of trust and sentenced
to imprisonment and one

was not one of the hakdars,
that when Ramappa was
suspended he himself
was ~~not~~ given the Paleli office
but that on account of his old
age he was unable to do the
work in consequence of which
he gave the office to Sidramaya
enjoining him to do the work till
his sons should attain age.
On 28-5-82 Bistappa the
adopted son of Neelamma
deposed before the Amildar
to the effect that he did not
want the Paleli of Malalkere
and that he had no objection
for the office being given to
Khuribar Hanumaya.

Jn^r Abdul Khader
who tried the suit dismissed
it as time-barred but declared
that under the Dewan's Procs No.
838-2281 1st May 1882 Petitioner
will have a right to alternate
succession

Copy put up

the present Dy Comrs was asked to report how the case stood, who was the officiator Patel, whether the Petr wished to prosecute his claim and why he allowed the matter to lie over for such a long period.

In reply the Dy Comrs reports that Defendant Sidramaya is the registered Patel of the village, that Petr Hanumaya is willing to prosecute his claim and that on account of his brother's death and his prolonged illness for the past 3 or 4 years he had to allow the matter to lie over ~~the matter~~ till now.

Bloz. The Dy Comrs decision is a little novel, as after stating that appellant's suit is time-barred and that appellant is estopped &c, he allows that appellant is still a hukdar and entitled to officiate when by turns or when a vacancy occurs.

Petr claimed as representative of the Kurubar family, but it does not seem to arise as the office vested

has himself admitted the
Petitioner's right to the
Patéli office in question.
Jur Rangachariu, the then
Dewan, ordered the case to be
remanded to the Dy Comrs
for enquiry and report as
regards the point whether
Sidramanya was a cousin of
Neelamma or not and further
observed that if Sidramanya
belonged to the family of the
other shareholder Neelamma
his appointment need not be
disturbed and in case he
possessed no manner of right
it would be proper to give the
preference to Petr Hanumanya

Jur Namakal Row who
was then officiating as Dy Comrs
tried the case on the above issue
and decided in favour of the
Plaintiff.

On 8th July 1896 the

Petitioner then appealed to Gov:
In his appeal he urges that
the Paleti hak of Madalkere
belongs to him and that the
Respondent (Deft:) has ~~no means~~
~~of~~ claim whatever to it, that
the decision of the Dy Comm^r
is against opposed to the weight
of evidence adduced and
the law of equity; that the
Dy Comm^r was wrong in dismissing
the suit as time-barred, since
the office remained in his family
till 1879 during which period
there was no cause of action and
that consequently his appeal
was within time, that the Dy
Comm^r erred in assuming that
defendant Sidramaiya was a
hakdar of the deceased Neelamma
in spite of the fact that the same
point was contradicted by the
defendants 2nd and 3rd witnesses
and that the Dy Comm^r has

9

in the Kumbar family so late as
1879. The Dy Commr thinks that
the cause of action arose in
1866-67 as the office then
passed from appellant's brother
to a distant Cousin

From amildar's report no 1082 of
6/3/79, it appears that Ramanya
was dismissed on being convicted
and that in accordance with
Chief Commr's notification,
he recommended the forfeiture
of the Inam of the Kumbar family
The Dy Commr endorsed the views
of the amildar.

2/2/97

Genealogy of Kurubars famil

Genealogy of Kurubars famil

(101)

Kurubar Durgappa

(Dod) Hukchappa

San Hutchappa

Gandulgodalyappa

Kenchappa

Mentioned as a hakdar in the Regr of 1847.

Bhimappa

Durgappa

Kenchappa Hanumah

Reg^n of 1865

(died in 1866-67)

Hanumah

Siddappa

San Rama

Regd in 1866-67.

Dod Rama

Hanumappa

Durgappa

~~Hutchaya~~

Hutchaiya

Regd in 1871.

Ramaiya

Regd in 1877-78

Convicted in 1879

The only question which was (6)
remitted to the lower court was
whether D.W. Siddaramayya was
a relation of Neelamma. The finding
given by the lower court is against the D.W.
but does not appear to be correct.
No doubt the first W. for the P.W. states
that D.W. is no relation of Neelamma
but against this evidence his witness,
all members of the same caste also
related to him, have been examined
by the D.W. who say that Neelamma's
father-in-law & the D.W.'s grandfather
were cousins of the first or second
degree. There is no reason to disbelieve
-card all this evidence which
appears to be unworthy of
that adduced by the P.W. The finding
which may be supported by this
evidence is that the D.W. is a
member of Neelamma's husband's
family. It follows that there
is no reason to dismiss but his appointment
as valid. This appeal is dismissed

4-3-37

13

Before the Government of Mysore.

Appeal No. 1577 of 1882-83
27

Appellant.	Vs.	Respondent.
Gauda Hanumaiya		Sidramaiya

Dispute regarding the Patel of Malakere in the Davanagere Taluk.

List of papers.

(1) Appeal petition with the Dewan's order thereon.
(2) Deputy Commr's judgment
(3) Proceedings of the Deputy Commr
(4) Finding of do
(5) Docket-Off. 13. 12. 82 from do.
(6) do of 4. 7. 83 do
(7) do of 10. 10. 83 from do
(8) Govt Disp No $\frac{838}{22}$ of 1. 5. 82
(9) Genealogical table of Lingayat family
(10) do Kuruba "
(11) Precis
(12) Memo.

14

Memo (12)

In the Potail Register of 1847 the names of Sun Basappa & Neelamma & 3 Kenchea were entered as Hukdars & officiators jointly of the Potail of Inealakere in Mackonda Hobli Davangere Taluk. In the Register of 1865 - 1 Irangea son of the said Basappa & Neelamma & 3 Kenchea Banooma son of the said Kenchea were entered as Hukdars & officiators Hanoomanthea & jointly & Irangea Kenchea ~~Basappa~~ filed a suit in the Court of the Deh & Camil of Chitaldroog (Case No. 10 of 1881-82) for the recovery of the Potail from Sidramma an alleged son of Neelamma who was doing the duties

Relation
26/11/97 Bal.

prevented from doing till now
owing to her brother's death
& his own prolonged illness
but hopes

1867

17

16 relation
Exn 26/1/97

whether the Defts was a den
of wickedness and. That
finding was in favor of
the Plaintiff

Nothing appears to have
transpired between 1882 &
1896. On 8th July, 1896 the
Dr Court was addressed
on the subject & requested
a report how the case stood
who was the Official Plaintiff
whether (Plaintiff) Hanomia
wished to prosecute her claim
& why he allowed the matter
to lie over for such a long
period.

The Dr Court reports
that the registered Plaintiff is
the Plaintiff Defts; & that
the Plaintiff states that he
is willing to prosecute her
claims for the Plaintiff which he was

Mr Abdul Khader the
then Dep Commr passed
a decision dated 3rd July
1882 against the Plaintiff.
The Plaintiff preferred an
appeal to the Revenue Office
on the ground that the Deft
was not a son of Neelamma = relation
Mr Ranga Charlu ~~see~~ heard
the petition who sent to the
Dep Comr for report with
the observation that if it was
true that the Deft was not
a son of Neelamma = relation
the Plaintiff who was in that
the Plaintiff who was in that
case nearer of right to the
Stridhan the Dy Comr having
admitted her by adoption
he gave the preference.
Thereupon the Offg
Dy Comr Mr Ramkal Rao
held an enquiry & recorded
his finding on the point

L.R. 38-82-1

COURT FEE ... RUPEES TEN

Case adjourned to 5th October 82 for talmoor

Case adjourned to 5th October 82 for talmoor

Redemption - the said
Act to be suspended
& repealed as if Bills to
the same effect & right
shall be first
given to Parliament
to Petition
a

Both the parties are present.
Vakil Venkatramanah appears
for plaintiff & Lakshmanarasa
for the defdt.
Examined the plaintiff and eleven
witnesses out of 14 cited by him.
The ~~evidence~~ examination of
the remaining three was
dispensed with.
The defdt has agreed to produce
his witnesses, so summonses
have not issued. He now
prays for summonses. Issue
~~fresh~~ summonses as per list
furnished on the previous list
to appear on the 10th April 82.
D J

24

L.R. 38-82-2

(General Serial No. 15.)

1882

From The Deputy Commissioner Chitaldroog

To

The Secretary to the ~~Chief Commissioner~~ Revenue of Mysore, Rev Department.

Dated 13th December 87

Despatched 15th December

Received

Enclosures No. 3 with Records.

General No. 4823 } 1882-83.
No.

Returned herewith the Order and all papers sent here this case stands at present and what is now to be done.

He may also ascertain if the Petr. wishes to prosecute his claim and why he allowed the matter to remain over [illegible] year.

Submit for Commissioner's order

17.6.96

18/12

Deputy Commissioner

This official Memorandum No 413 of 24th August 1882.

With reference to the above has the honour to forward the whole record in the case of Gowda Hanumappa of Malalkere Davangere Taluq, together with the finding on the fresh issue raised by the Appellate Court, and to be tried.

D. Ramiah

Offg. Dy. Commissioner

Chitaldroog

25

To The Dy Com^r Ratnagiry District

L. R. 38-82-3

Dy 4th July 1896

No 112/25 En: one Ver: file

Inasmuch the vernd received with his letter No. 4830/13th Dec^r 1882, relating to the claim of one Jivba Hanumiah to the Patelki of Malalkêrê, Devrajêrê Taluka, has the honor to request that he will be so good as to state how this case stands now at present, and who is now the official patel, whether

~~1. The Dy Com^r may also ascertain~~ ~~if the~~ pet^r ~~Jivba~~ Hanumiah wishes to prosecute his claim and why he allowed the matter to lie over till now.

By order

Dy Secretary

Draft
A.S.
8/7/96

R.A. Branch
14-10-96 26

Gen. 31.]

1896

OFFICE OF THE
3427
Rec 22 8 96
DEPUTY COMMISSIONER
CHITALDROOG

(5)

Recd 24/10
Refce Entrys.
Rec'd
27/10
Submitted
28/10

Posted to 4th February 97
at Simpore

L.R. 38-82-4

From The Deputy Commissioner
Chitaldroog District

To
The Secretary to the Government
Dewan of Mysore.
General and Rev: Department

Dated 10th October 1896.
Despatched 12th Ditto
Received
General No. 312 of 1896-97.
No. 282
Enclosure No. 1 file of C. Records (sent separately)

With reference to his docket No. 112 dated the 8th Inst: 25 ultimo, returning the records relating to the claim of one Linda Hanmanja to the Patéli of Malalkere in the Davanagere Taluk and requesting to report as to how this case stands at present, who is now the officiator Patel &c, has the honor to state that Lidda Hanmanja is the recognized Patel of the village, that during the latter's absence on leave

Submitted with reference to the Dep: Commissioner's order of 17-6-96. The D.C. (Commr. Chitaldroog) reports that one Lidderamanja is the officiator Patel, & that the appellant is willing to prosecute his claim, failed to prosecute his claim, which he was unable to do hitherto owing to his mother's death & his own prolonged illness

Submitted with a Memo

BR,
29/10/96

Sub'd to 2nd Councillor.

The case being a Council one it will have to be posted if the appellant is allowed to prosecute the case (The file was put into my hands on 5/1/97)

RD 6 Jan 97 Council Clerk. Posted to Council 6/1/97 Typed 9/1/97

Yes - Let it be treated as urgent. 8.1.97.

(11)

leave, his uncle Siddappa Patel of Ramagondana-halli was performing the duties in addition to his own and that the former is now directed to do them himself. It is stated that owing to some family inconvenience on account of the death of his brother and his prolonged illness for the past 3 or 4 years, the appellant Hanmaiya had to allow the matter to lie over till now and that he is now willing to prosecute his claim for the office.

2. The remarks records received with the docket un-duly together with Amildars report with Hanmaiya's statement are herewith submitted.

Deputy Commissioner.

27

Two drafts for official
Proceedings of the Govt of Mysore

28

Read:-

(1) Petition of appeal No. 1517/27 of 1882-83, presented by Gauda Hanumanya of Malalkere, Davangere Taluk against the judgement and decree of the Dy Commr of Chitaldroog in Revenue Appeal case No. 10 of 1881-82, on the file of his court, regarding the Paleti office of Malalkere, Davangere Taluk.

L.R. 38-82-3

(2) Correspondence ending with docket No. 312/282 dy 10.10.96, from the Dy Commr, Chitaldroog, reporting with reference to the further information called for on the subject.

(140)

No. 7936 dy 11.3.97
P.F. 57-96 / 15

Enc: one Ver: file -

Order thereon

The facts are:- Three families, 2 Vokkaligars & 1 Kumbar, held the office of

Notes
LR
22/3

of right it would be proper to
give the preference to Petitioner
Hamimaiya

Thereupon Mr. Namakal
Row, Offg Dy. Comm^r, held
an enquiry ~~and~~ on the above
recorded his finding
issue and ~~decided~~ in favour
of the Plaintiff.

The only question which
was remitted to the Lower Court
was, whether defendant Sidramaiya
was a relation of Neelamma.
The finding sent by the Dy
Comm^r is against the defendant
but does not appear to be
correct. No doubt the first
witness for the Plaintiff states
that defendant is no relation
of Neelamma but against
this evidence of six witnesses,
all members of the same caste
& also related to him, have
been examined by the Deft.
who say that Neelamma's
father-in-law & the Defendant's

grandfather

31

30

by the ~~Master of Ceremonies~~ but declared that under the Dewan's Procs of 1st May 1882 No. 838-22, the Petitioner, whom he admitted to be a hakdar to the office, will have a right to alternate succession Haumiauja thereupon appeal to the Dewan on the ground that Deft Sidraiauja was not the hakdar of the deceased hakdar Neelamma.

The late Dewan Rangachar ordered the petition to be sent to the Dy Comm^r for enquiry and report as regards the point whether Sidraiauja belonged to the family of the other shareholder Neelamma or not, and further observed that if he belonged to that family his appointment need not be disturbed and that in case he possessed no matiers

of

of Patel of Malalkere. In
the Patels Register of 1847
the names of 1 San Basappa,
2 Neelamma & 3 Kenchaiya
are entered as hakdars and
officiators jointly of the office.
In the register of 1865 1. Nanjaiya
son of the said San Basappa,
2 Neelamma & 3 Kencha Hanmina
son of the said Kenchaiya,
are entered as hakdars and
officiators. In January 82
Gauda Hanmaiya, a younger
brother of Kencha Hanmina,
filed a suit in the court of
the Deputy Commissioner,
Chitaldroog, for the recovery
of the Patels from Subramanya
an alleged descendant of
the deceased hakdar Neelamma.
who was then doing the duties.
Mr Abdul Khadir the then Dy
Commr, who tried the suit,
dismissed it as ~~time~~ barred

by the

In the Patels register
1870 the names of Nanjaya
& Hanmanthappa
are entered as hakdars
& the pakka
Police settlement of
1877-78. Nanjaya, a
lineal descendant of
Sau Rama was appointed
the patel but ~~he~~ having been
convicted of criminal
breach of trust in 1879
Subramanya (defendant)
was appointed patel
on account of his
relationship to
Neelamma

32

grandfather were cousins of the 1st or 2nd degree. There is no reason to disregard all this evidence which appears to be as trustworthy as that adduced by the Plff. The finding which may be supported by this evidence is that the Deft is a member of Neelamma's husband's family. It follows that there is no reason to disturb this appointment as Patel. This appeal is dismissed.

For Secretary

C2 + C3

Draft

Bba

8/3/97.

To The Deputy Commissioner
Chitaldroog District
with records.

2 drafts

33

ಫೈಲ್ 1577/27 ನೇ ಪ. (1) 3/3/97

L.R. 38-82-6

By Order

Rbn.
8/3.

for Secretary